

REMARKS

- (1) Claims 1-7 are pending in this application.
- (2) Claim 1 is independent; and, new claim 10 is independent.
- (3) Claim 1 is amended hereby.
- (4) New Claims 8-10 are appended hereby.
- (4) It is requested that Claim 5 be cancelled without prejudice.

Rejection under 35 USC §112, second paragraph

The applicant respectfully thanks the Examiner for indicating in the Advisory Action that Applicant's reply has overcome the rejection under 35 U.S.C. §112, second paragraph.

Rejection under 35 USC §103(a)

- (1) In the present Advisory Action, the Examiner has indicated that the proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because they raise new issues that would require further consideration and/or search. However, for purposes of appeal, the proposed amendments will be entered and claims 1-7 remain rejected as follows:

The Examiner has rejected claims 1 to 3 and 7 under 35 USC §103(a) as being unpatentable over *Atlas* in view of *Yong*; and, further, the Examiner has rejected claims 4-6 under 35 USC §103(a) for being unpatentable over *Atlas* in view of *Yong*, and further in view of *Levine*.

(2) The Applicant respectfully incorporates herein the Remarks made April 13, 2009 in response to the previous Office Action.

(3) The Applicant respectfully thanks the Examiner for the telephonic interviews of July 6 and July 7, 2009; and, for indicating that upon further reflection, there is patentable subject matter in claim 1 at (1)(d)(ii) and in claim 5 with respect to the frequency selective filters.

The Applicant has made amendment to claim 1, hereinabove, to more distinctly claim the subject matter that the Applicant regards as the invention in light of the Examiner's reconsideration of the claims.

The Applicant has appended new claims 8-10 which find their basis in the amendments made to claim 1, and as further described in the Applicant's Specification at page 5, lines 4-7.

(4) For the reasons indicated hereinabove, the Applicant respectfully submits that they have overcome the rejection by the Examiner of claims 1 to 3 and 7 under 35 USC §103(a) for being unpatentable over *Atlas* in view of *Yong*; and, further, that they have overcome the rejection by the Examiner of claims 4-6 under 35 USC §103(a) for being unpatentable over *Atlas* in view of *Yong* and further in view of *Levine*.

Conclusion

(1) Applicant respectfully submits that claims 1-4 and 6-10 are allowable for at least the reasons noted hereinabove. A Notice of Allowance is therefore respectfully requested hereby.

(2) The Commissioner is hereby authorized to charge any fees which may be necessary for the consideration of this communication, or any additional fees required during examination of this application, and to credit any overpayment to Deposit Account No. 10-0100 (Attorney Docket No. RIEBL.P-57-MG.

Respectfully submitted,

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Date



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